

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

MARY L. HERNANDEZ and
BORDER FAIR HOUSING and
ECONOMIC JUSTICE CENTER,

Plaintiffs,

Case No. 1:08-CV-00732-MCA-WPL

v.

MONARCH REAL ESTATE CORP.,
STEPHEN TATE and VALERIE
SWEARINGEN,

Defendants.

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiffs, Mary Hernandez and Border Fair Housing and Economic Justice Center, Defendant/Cross-Claimant, Valerie Swearingen, and Defendants/Cross-Defendants, Monarch Real Estate Corp. and Stephen Tate (hereinafter collectively referred to as the “parties”), by and through their respective counsel of record, hereby respectfully move the Court to dismiss the above-captioned case, including any and all claims of any nature, however styled, by or against any of the parties, that were raised herein, with prejudice, pursuant to the Settlement Agreement entered into by all parties, in which Plaintiff and Cross-Claimant stipulated to the dismissal of all claims raised in this matter, and to the release of any claims, causes of action, demands and damages of any kind, known or unknown, relating to any allegations brought forth in the Complaint or Cross-Complaint, including all claims raised herein. As grounds for this Motion, the parties state that they have compromised and settled their claims, and no controversies remain to be adjudicated in this action.

WHEREFORE, Plaintiffs, Defendant/Cross-Claimant and Defendants/Cross-Defendants respectfully request that the Court enter its Order dismissing Plaintiff’s Complaint (Doc. No. 1, filed

on or about August 6, 2008), and the Cross-Claim filed by Defendant Swearingen (Doc. No. 9, filed on or about October 9, 2008) with prejudice, with each party to bear his/her/its own costs.

Respectfully submitted,

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By /s/ Reed N. Colfax

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By /s/ Barney James Reeves per auth. 10-20-09

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I hereby certify that on the 20th day of October, 2009, I filed the foregoing electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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